

**BEFORE THE  
BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation Against:**

**TIAIRA S. MCCALISTER, Respondent**

**Pharmacy Technician License No. TCH 36429**

**Agency Case No. 7451**

**OAH No. 2024091013**

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on March 5, 2025.

It is so ORDERED on February 3, 2025.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.  
Board President

1 ROB BONTA  
Attorney General of California  
2 DAVID E. BRICE  
Supervising Deputy Attorney General  
3 PATRICIA WEBBER HEIM  
Deputy Attorney General  
4 State Bar No. 230889  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-7519  
Facsimile: (916) 327-8643  
7 E-mail: Patricia.Heim@doj.ca.gov  
*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11  
12 In the Matter of the Accusation Against:  
13 **TIAIRA S. MCCALISTER**  
**1823 E. Buena Vista Ave.**  
14 **Visalia, CA 93292**  
15 **Pharmacy Technician License No. TCH**  
**36429**  
16 Respondent.

Case No. 7451  
OAH No. 2024091013  
**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

17  
18  
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy  
23 (Board). She brought this action solely in her official capacity and is represented in this matter by  
24 Rob Bonta, Attorney General of the State of California, by Patricia Webber Heim, Deputy  
25 Attorney General.

26 2. Tiaira S. McCalister (Respondent) is representing herself in this proceeding and has  
27 chosen not to exercise her right to be represented by counsel.

28 ///







1 Failure to submit timely reports in a form as directed shall be considered a violation of  
2 probation. Any period(s) of delinquency in submission of reports as directed may be added to the  
3 total period of probation. Moreover, if the final probation report is not made as directed,  
4 probation shall be automatically extended until such time as the final report is made and accepted  
5 by the board.

6 **3. Interview with the Board**

7 Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews  
8 with the board or its designee, at such intervals and locations as are determined by the board or its  
9 designee. Failure to appear for any scheduled interview without prior notification to board staff,  
10 or failure to appear for two (2) or more scheduled interviews with the board or its designee during  
11 the period of probation, shall be considered a violation of probation.

12 **4. Cooperate with Board Staff**

13 Respondent shall timely cooperate with the board's inspection program and with the board's  
14 monitoring and investigation of Respondent's compliance with the terms and conditions of her  
15 probation, including but not limited to: timely responses to requests for information by board  
16 staff; timely compliance with directives from board staff regarding requirements of any term or  
17 condition of probation; and timely completion of documentation pertaining to a term or condition  
18 of probation. Failure to timely cooperate shall be considered a violation of probation.

19 **5. Reporting of Employment and Notice to Employers**

20 During the period of probation, Respondent shall notify all present and prospective  
21 employers of the decision in case number 7451 and the terms, conditions and restrictions imposed  
22 on Respondent by the decision, as follows:

23 Within thirty (30) days of the effective date of this decision, and within ten (10) days of  
24 undertaking any new employment, Respondent shall report to the board in writing the name,  
25 physical address, and mailing address of each of Respondent's employer(s), and the name(s) and  
26 telephone number(s) of all of Respondent's direct supervisor(s), as well as any pharmacist(s)-in-  
27 charge, designated representative(s)-in-charge, responsible manager, or other compliance  
28 supervisor(s) and the work schedule, if known. Respondent shall also include the reason(s) for

1 leaving the prior employment. Respondent shall sign and return to the board a written consent  
2 authorizing the board or its designee to communicate with all of Respondent's employer(s) and  
3 supervisor(s) and authorizing those employer(s) or supervisor(s) to communicate with the board  
4 or its designee, concerning Respondent's work status, performance, and monitoring. Failure to  
5 comply with the requirements or deadlines of this condition shall be considered a violation of  
6 probation.

7       Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
8 Respondent undertaking any new employment, Respondent shall cause (a) Respondent's direct  
9 supervisor, (b) Respondent's pharmacist-in-charge, designated representative-in-charge,  
10 responsible manager, or other compliance supervisor, and (c) the owner or owner representative  
11 of Respondent's employer, to report to the board in writing acknowledging that the listed  
12 individual(s) has/have read the decision in case number 7451, and terms and conditions imposed  
13 thereby. If one person serves in more than one role described in (a), (b), or (c), the  
14 acknowledgment shall so state. It shall be the Respondent's responsibility to ensure that these  
15 acknowledgment(s) are timely submitted to the board. In the event of a change in the person(s)  
16 serving the role(s) described in (a), (b), or (c) during the term of probation, Respondent shall  
17 cause the person(s) taking over the role(s) to report to the board in writing within fifteen (15) days  
18 of the change acknowledging that he or she has read the decision in case number 7451, and the  
19 terms and conditions imposed thereby.

20       If Respondent works for or is employed by or through an employment service, Respondent  
21 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board  
22 of the decision in case number 7451, and the terms and conditions imposed thereby in advance of  
23 Respondent commencing work at such licensed entity. A record of this notification must be  
24 provided to the board upon request.

25       Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
26 (15) days of Respondent undertaking any new employment by or through an employment service,  
27 Respondent shall cause the person(s) described in (a), (b), and (c) above at the employment  
28 service to report to the board in writing acknowledging that he or she has read the decision in case

1 number, and the terms and conditions imposed thereby. It shall be Respondent's responsibility to  
2 ensure that these acknowledgment(s) are timely submitted to the board.

3 Failure to timely notify present or prospective employer(s) or failure to cause the identified  
4 person(s) with that/those employer(s) to submit timely written acknowledgments to the board  
5 shall be considered a violation of probation.

6 "Employment" within the meaning of this provision includes any full-time, part-time,  
7 temporary, relief, or employment/management service position as a pharmacy technician., or any  
8 position for which a pharmacy technician. is a requirement or criterion for employment, whether  
9 the Respondent is an employee, independent contractor or volunteer.

10 **6. Notification of Change(s) in Name, Address(es), or Phone Number(s)**

11 Respondent shall further notify the board in writing within ten (10) days of any change in  
12 name, residence address, mailing address, e-mail address or phone number.

13 Failure to timely notify the board of any change in employer, name, address, or phone  
14 number shall be considered a violation of probation.

15 **7. Reimbursement of Board Costs**

16 As a condition precedent to successful completion of probation, Respondent shall pay to the  
17 board its costs of investigation and prosecution in the amount of \$3,387.50. Respondent shall  
18 make said payments as follows:

19 There shall be no deviation from this schedule absent prior written approval by the board or  
20 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of  
21 probation.

22 Respondent shall be permitted to pay these costs in a payment plan approved by the board  
23 or its designee, so long as full payment is completed no later than one (1) year prior to the end  
24 date of probation.

25 **8. Probation Monitoring Costs**

26 Respondent shall pay any costs associated with probation monitoring as determined by the  
27 board each and every year of probation. Such costs shall be payable to the board on a schedule as  
28

1 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall  
2 be considered a violation of probation.

3 **9. Status of License**

4 Respondent shall, at all times while on probation, maintain an active, current pharmacy  
5 technician license with the board, including any period during which suspension or probation is  
6 tolled. Failure to maintain an active, current pharmacy technician license shall be considered a  
7 violation of probation.

8 If Respondent's pharmacy technician license expires or is cancelled by operation of law or  
9 otherwise at any time during the period of probation, including any extensions thereof due to  
10 tolling or otherwise, upon renewal or reapplication Respondent's license shall be subject to all  
11 terms and conditions of this probation not previously satisfied.

12 **10. License Surrender While on Probation/Suspension**

13 Following the effective date of this decision, should Respondent cease practice due to  
14 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
15 Respondent may relinquish Respondent's license, including any indicia of licensure issued by the  
16 board, along with a request to surrender the license. The board or its designee shall have the  
17 discretion whether to accept the surrender or take any other action it deems appropriate and  
18 reasonable. Upon formal acceptance of the surrender of the license, Respondent will no longer be  
19 subject to the terms and conditions of probation. This surrender constitutes a record of discipline  
20 and shall become a part of the Respondent's license history with the board.

21 Upon acceptance of the surrender, Respondent shall relinquish Respondent's pocket and/or  
22 wall license, including any indicia of licensure not previously provided to the board within ten  
23 (10) days of notification by the board that the surrender is accepted if not already provided.  
24 Respondent may not reapply for any license from the board for three (3) years from the effective  
25 date of the surrender. Respondent shall meet all requirements applicable to the license sought as  
26 of the date the application for that license is submitted to the board, including any outstanding  
27 costs.

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

**11. Certification Prior to Resuming Work**

Respondent shall be suspended, and shall not work as a pharmacy technician, until she has been certified as defined by Business and Professions Code section 4202, subdivision (a)(4), has submitted proof of certification to the board, and has been notified by the Board or its designee that she may begin work. Failure to achieve certification within six (6) months of the effective date shall be considered a violation of probation.

During suspension, Respondent shall not enter any pharmacy area or any portion of any other Board licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug retailer or any other distributor of drugs which is licensed by the Board, or any manufacturer, or any area where dangerous drugs and/or dangerous devices or controlled substances are maintained.

Respondent shall not do any act involving drug selection, selection of stock, manufacturing, compounding or dispensing; nor shall Respondent manage, administer, or assist any licensee of the board. Respondent shall not have access to or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or dangerous devices or controlled substances.

During this suspension, Respondent shall not engage in any activity that requires licensure as a pharmacy technician. Respondent shall not direct or control any aspect of the practice of pharmacy or of the manufacture, distribution, wholesaling, or retailing of dangerous drugs and/or dangerous devices, or controlled substances.

Failure to comply with any such suspension shall be considered a violation of probation.

**12. Practice Requirement – Extension of Probation**

23  
24  
25  
26  
27  
28

Except during periods of suspension, Respondent shall, at all times while on probation, be employed as a pharmacy technician in California for a minimum of 80 hours per calendar month. Any month during which this minimum is not met shall extend the period of probation by one month. During any such period of insufficient employment, Respondent must nonetheless comply with all terms and conditions of probation, unless Respondent receives a waiver in writing from the board or its designee.

1           If Respondent does not practice as a pharmacy technician in California for the minimum  
2 number of hours in any calendar month, for any reason (including vacation), Respondent shall  
3 notify the board in writing within ten (10) days of the conclusion of that calendar month. This  
4 notification shall include at least: the date(s), location(s), and hours of last practice; the reason(s)  
5 for the interruption or reduction in practice; and the anticipated date(s) on which Respondent will  
6 resume practice at the required level. Respondent shall further notify the board in writing within  
7 ten (10) days following the next calendar month during which Respondent practices as a  
8 pharmacy technician. in California for the minimum of hours. Any failure to timely provide such  
9 notification(s) shall be considered a violation of probation.

10           It is a violation of probation for Respondent's probation to be extended pursuant to the  
11 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
12 exceeding thirty-six (36) months. The board or its designee may post a notice of the extended  
13 probation period on its website.

### 14           **13. Violation of Probation**

15           If Respondent has not complied with any term or condition of probation, the board shall  
16 have continuing jurisdiction over Respondent, and the board shall provide notice to Respondent  
17 that probation shall automatically be extended, until all terms and conditions have been satisfied  
18 or the board has taken other action as deemed appropriate to treat the failure to comply as a  
19 violation of probation, to terminate probation, and to impose the penalty that was stayed. The  
20 board or its designee may post a notice of the extended probation period on its website.

21           If Respondent violates probation in any respect, the board, after giving Respondent notice  
22 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
23 was stayed. If a petition to revoke probation or an accusation is filed against Respondent during  
24 probation, or the preparation of an accusation or petition to revoke probation is requested from  
25 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of  
26 probation shall be automatically extended until the petition to revoke probation or accusation is  
27 heard and decided, and the charges and allegations in Accusation Number 7451 shall be deemed  
28 true and correct.

1                   **14. Completion of Probation**

2                   Upon written notice by the board or its designee indicating successful completion of  
3 probation, Respondent's license will be fully restored.

4                   **15. Clinical Diagnostic Evaluation**

5                   Within thirty (30) days of the effective date of this decision, and on a periodic basis  
6 thereafter if required by the board or its designee, Respondent shall undergo, at Respondent's own  
7 expense, clinical diagnostic evaluation(s) by a practitioner selected or approved prior to the  
8 evaluation by the board or its designee. The approved evaluator shall be provided with a copy of  
9 the board's accusation and decision. Respondent shall sign a release authorizing the evaluator to  
10 furnish the board with a current diagnosis and a written report regarding the Respondent's  
11 judgment and ability to function independently as a pharmacy technician. with safety to the  
12 public. If the evaluator recommends restrictions or conditions on Respondent's practice,  
13 including but not limited to other terms and conditions listed in these guidelines (e.g., required  
14 psychotherapy, inpatient treatment, prescription coordination and monitoring, restricted practice),  
15 the board or its designee may by written notice to Respondent adopt any such restrictions or  
16 conditions as additional probation terms and conditions, violation of which shall be considered a  
17 violation of probation. Failure to comply with any requirement or deadline stated by this  
18 paragraph shall be considered a violation of probation.

19                   If at any time the approved evaluator or therapist determines that Respondent is unable to  
20 practice safely or independently, the licensed mental health practitioner shall notify the board  
21 immediately by telephone and follow up by written letter within three (3) working days. Upon  
22 notification from the board or its designee of this determination, Respondent shall be  
23 automatically suspended and shall not resume practice until notified by the board or its designee  
24 that practice may resume.

25                   Failure to comply with any requirement or deadline stated by this term shall be considered a  
26 violation of probation.

27 ///

28 ///

1                   **16. Psychotherapy**

2                   If the clinical diagnostic evaluation as set forth in Term 15 deems it appropriate, then within  
3 thirty (30) days of the effective date of this decision, Respondent shall submit to the board or its  
4 designee, for prior approval, the name and qualifications of a licensed mental health practitioner  
5 of Respondent's choice. Within thirty (30) days of approval thereof, Respondent shall submit  
6 documentation to the board demonstrating the commencement of psychotherapy with the  
7 approved licensed mental health practitioner. Should Respondent, for any reason, cease treatment  
8 with the approved licensed mental health practitioner, Respondent shall notify the board  
9 immediately and, within thirty (30) days of ceasing treatment, submit the name of a replacement  
10 psychotherapist or licensed mental health practitioner of Respondent's choice to the board for its  
11 prior approval. Within thirty (30) days of approval thereof, Respondent shall submit  
12 documentation to the board demonstrating the commencement of psychotherapy with the  
13 approved replacement. Failure to comply with any requirement or deadline stated by this  
14 paragraph shall be considered a violation of probation.

15                   Upon approval of the initial or any subsequent licensed mental health practitioner,  
16 Respondent shall undergo and continue treatment with that therapist, at Respondent's own  
17 expense, until the therapist recommends in writing to the board, and the board or its designee  
18 agrees by way of a written notification to Respondent, that no further psychotherapy is necessary.  
19 Upon receipt of such recommendation from the treating therapist, and before determining whether  
20 to accept or reject said recommendation, the board or its designee may require Respondent to  
21 undergo, at Respondent's own expense, a mental health evaluation by a board-appointed or  
22 board-approved psychiatrist or psychologist. If the approved evaluator recommends that  
23 Respondent continue psychotherapy, the board or its designee may require Respondent to  
24 continue psychotherapy.

25                   Psychotherapy shall be at least once a week unless otherwise approved by the board.  
26 Respondent shall provide the therapist with a copy of the board's accusation and decision no later  
27 than the first therapy session. Respondent shall take all necessary steps to ensure that the treating  
28

1 therapist submits written quarterly reports to the board concerning Respondent's fitness to  
2 practice, progress in treatment, and such other information required by the board or its designee.

3 If at any time the treating therapist determines that Respondent cannot practice safely or  
4 independently, the therapist shall notify the board immediately by telephone and follow up by  
5 written letter within three (3) working days. Upon notification from the board or its designee of  
6 this determination, Respondent shall be automatically suspended and shall not resume practice  
7 until notified by the board that practice may be resumed.

8 During any suspension, Respondent shall not enter any pharmacy area or any portion of the  
9 licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug  
10 retailer, or any other distributor of drugs which is licensed by the board, or any manufacturer, or  
11 any area where dangerous drugs and/or dangerous devices or controlled substances are  
12 maintained.

13 Respondent shall not practice pharmacy nor do any act involving drug selection, selection  
14 of stock, manufacturing, compounding, dispensing or patient consultation; nor shall Respondent  
15 manage, administer, or be a consultant to any licensee of the board, or have access to or control  
16 the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or dangerous  
17 devices or controlled substances. Respondent shall not resume practice until notified by the  
18 board.

19 During any suspension, Respondent shall not engage in any activity that requires the  
20 professional judgment of and/or licensure as a pharmacy technician. Respondent shall not direct  
21 or control any aspect of the practice of pharmacy, or of the manufacturing, distributing,  
22 wholesaling, or retailing of dangerous drugs and/or dangerous devices or controlled substances.

23 Failure to comply with any requirement or deadline stated by this term shall be considered a  
24 violation of probation.

### 25 17. **Drug and Alcohol Testing**

26 If the clinical diagnostic evaluation as set forth in Term 15 deems it appropriate, then  
27 Respondent, at Respondent's own expense, shall participate in testing as directed by the board or  
28 its designee for the detection of alcohol, controlled substances, and dangerous drugs and/or

1 dangerous devices. Testing protocols may include biological fluid testing (urine, blood),  
2 breathalyzer, hair follicle testing, or other testing protocols as directed by the board or its  
3 designee. All testing must be pursuant to an observed testing protocol, unless Respondent is  
4 informed otherwise in writing by the board or its designee. Respondent may be required to  
5 participate in testing for the entire probation period and frequency of testing will be determined  
6 by the board or its designee.

7 By no later than thirty (30) days after being notified that this term is appropriate and being  
8 imposed, Respondent shall have completed all of the following tasks: enrolled and registered with  
9 an approved drug and alcohol testing vendor; provided that vendor with any documentation, and  
10 any information necessary for payment by Respondent; commenced testing protocols, including  
11 all required contacts with the testing vendor to determine testing date(s); and begun testing. At all  
12 times, Respondent shall fully cooperate with the testing vendor, and with the board or its  
13 designee, with regard to enrollment, registration, and payment for, and compliance with, testing.  
14 Any failure to cooperate timely shall be considered a violation of probation.

15 Respondent may be required to test on any day, including weekends and holidays.  
16 Respondent is required to make daily contact with the testing vendor to determine if a test is  
17 required, and if a test is required must submit to testing on the same day.

18 Prior to any vacation or other period of absence from the area where the approved testing  
19 vendor provides services, Respondent shall seek and receive approval from the board or its  
20 designee to use an alternate testing vendor to ensure testing can occur. Upon approval,  
21 Respondent shall enroll and register with the approved alternate drug testing vendor, provide to  
22 that alternate vendor any documentation required by the vendor, including any necessary payment  
23 by Respondent. During the period of absence of the area, Respondent shall commence testing  
24 protocols with the alternate vendor, including required daily contacts with the testing vendor to  
25 determine if testing is required, and required testing. Any failure to timely seek or receive  
26 approval from the board or its designee, or to timely enroll and register with, timely commence  
27 testing protocols with, or timely undergo testing with, the alternate testing vendor, shall be  
28 considered a violation of probation.

1           Upon detection of an illicit drug, controlled substance or dangerous drug, the board or its  
2           designee may require Respondent to timely provide documentation from a licensed practitioner  
3           authorized to prescribe the detected substance demonstrating that the substance was administered  
4           or ingested pursuant to a legitimate prescription issued as a necessary part of treatment. All such  
5           documentation shall be provided by Respondent within ten (10) days of being requested.

6           Any of the following shall be considered a violation of probation and shall result in  
7           Respondent being immediately suspended from practice as a pharmacy technician. until notified  
8           by the board in writing that Respondent may resume practice: failure to timely complete all of the  
9           steps required for enrollment/registration with the drug testing vendor, including making  
10          arrangements for payment; failure to timely commence drug testing protocols; failure to contact  
11          the drug testing vendor as required to determine testing date(s); failure to test as required; failure  
12          to timely supply documentation demonstrating that a detected substance was taken pursuant to a  
13          legitimate prescription issued as a necessary part of treatment; and/or detection through testing of  
14          alcohol, or of an illicit drug, or of a controlled substance or dangerous drug absent documentation  
15          that the detected substance was taken pursuant to a legitimate prescription and a necessary  
16          treatment. In the event of a suspension ordered after detection through testing of alcohol, an illicit  
17          drug, or of a controlled substance or dangerous drug absent documentation that the detected  
18          substance was taken pursuant to a legitimate prescription and a necessary treatment, the board or  
19          its designee shall inform Respondent of the suspension and inform Respondent to immediately  
20          leave work, and shall notify Respondent's employer(s) and work site monitor(s) of the  
21          suspension.

22          During any such suspension, Respondent shall not enter any pharmacy area or any portion  
23          of the licensed premises of a wholesaler, third-party-logistics provider, veterinary food-animal  
24          drug retailer, or any other distributor of drugs which is licensed by the board, or any  
25          manufacturer, or any area where dangerous drugs and/or dangerous devices or controlled  
26          substances are maintained. Respondent shall not practice pharmacy nor do any act involving drug  
27          selection, selection of stock, manufacturing, compounding, dispensing or patient consultation; nor  
28          shall Respondent manage, administer, or be a consultant to any licensee of the board, or have

1 access to or control the ordering, distributing, manufacturing or dispensing of dangerous drugs  
2 and/or dangerous devices and controlled substances.

3 During any such suspension, Respondent shall not engage in any activity that requires the  
4 professional judgment of and/or licensure as a pharmacy technician. Respondent shall not direct  
5 or control any aspect of the practice of pharmacy, or of the manufacturing, distributing,  
6 wholesaling, or retailing of dangerous drugs and/or dangerous devices.

7 Failure to comply with any such suspension shall be considered a violation of probation.  
8 Failure to comply with any requirement or deadline stated by this term shall be considered a  
9 violation of probation.

10 **18. Notification of Departure**

11 If the clinical diagnostic evaluation as set forth in Term 15 deems it appropriate, then prior  
12 to leaving the probationary geographic area designated by the board or its designee for a period  
13 greater than twenty-four (24) hours, Respondent shall notify the board verbally and in writing of  
14 the dates of departure and return. Failure to comply with this provision shall be considered a  
15 violation of probation.

16 **19. Abstain from Drugs and Alcohol**

17 If the clinical diagnostic evaluation as set forth in Term 15 deems it appropriate, then  
18 Respondent shall completely abstain from the possession or use of alcohol, controlled substances,  
19 illicit drugs, dangerous drugs and/or dangerous devices, or their associated paraphernalia, except  
20 when possessed or used pursuant to a legitimate prescription issued as a necessary part of  
21 treatment. Respondent shall ensure that Respondent is not in the same physical location as  
22 individuals who are using illicit substances even if Respondent is not personally ingesting the  
23 drugs. Any possession or use of alcohol, dangerous drugs and/or dangerous devices or controlled  
24 substances, or their associated paraphernalia for which a legitimate prescription has not been  
25 issued as a necessary part of treatment, or any physical proximity to persons using illicit  
26 substances, shall be considered a violation of probation.

27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**20. Prescription Coordination and Monitoring of Prescription Use**

If the clinical diagnostic evaluation as set forth in Term 15 deems it appropriate, then within thirty (30) days of the effective date of this decision, Respondent shall submit to the Board, for its prior approval, the name and qualifications of a single physician, nurse practitioner, physician assistant, or psychiatrist of Respondent's choice, who shall be aware of the Respondent's history of mental illness and who will coordinate and monitor any prescriptions for Respondent for dangerous drugs and/or dangerous devices, controlled substances or mood-altering drugs. The approved practitioner shall be provided with a copy of the Board's Accusation and decision. A record of this notification must be provided to the Board or its designee upon request. Respondent shall sign a release authorizing the practitioner to communicate with the Board or its designee about respondent's treatment(s). The coordinating physician, nurse practitioner, physician assistant, or psychiatrist shall report to the Board on a quarterly basis for the duration of probation regarding respondent's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances. The Board or its designee may require that the single coordinating physician, nurse practitioner, physician assistant or psychiatrist be a specialist in addictive medicine or consult a specialist in addictive medicine. Should respondent, for any reason, cease supervision by the approved practitioner, respondent shall notify the Board or its designee immediately and, within thirty (30) days of ceasing supervision, submit the name of a replacement physician, nurse practitioner, physician assistant, or psychiatrist of respondent's choice to the Board or its designee for its prior approval. Failure to timely submit the selected practitioner or replacement practitioner to the Board or its designee for approval, or to ensure the required quarterly reporting thereby, shall be considered a violation of probation.

If at any time an approved practitioner determines that respondent is unable to practice safely or independently as a pharmacy technician., the practitioner shall notify the Board or its designee immediately by telephone and follow up by written letter within three (3) working days. Upon notification from the Board or its designee of this determination, respondent shall be

1 automatically suspended and shall not resume practice as a pharmacy technician. until notified by  
2 the Board or its designee that practice may be resumed.

3 During any suspension, respondent shall not enter any pharmacy area or any portion of the  
4 licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug  
5 retailer, or any other distributor of drugs which is licensed by the Board, or any manufacturer, or  
6 any area where dangerous drugs and/or dangerous devices or controlled substances are  
7 maintained. Respondent shall not practice pharmacy nor do any act involving drug selection,  
8 selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall  
9 respondent manage, administer, or be a consultant to any licensee of the Board, or have access to  
10 or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or  
11 dangerous devices and controlled substances. Respondent shall not resume practice until notified  
12 by the Board.

13 During any suspension, respondent shall not engage in any activity that requires the  
14 professional judgment and/or licensure as a pharmacy technician. Respondent shall not direct or  
15 control any aspect of the practice of pharmacy or of the manufacturing, distributing, wholesaling,  
16 or retailing of dangerous drugs and/or dangerous devices or controlled substances.

17 Failure to comply with any requirement or deadline stated by this term shall be considered a  
18 violation of probation.

19 **21. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

20 If the clinical diagnostic evaluation as set forth in Term 15 deems it appropriate, then within  
21 thirty (30) days of that determination, Respondent shall begin regular attendance at a recognized  
22 and established substance abuse recovery support group in California (e.g., Alcoholics  
23 Anonymous, Narcotics Anonymous, etc.) which has been approved by the Board or its designee.  
24 Respondent must attend the number of group meetings per week or month directed by the Board  
25 or its designee, which shall typically be at least one per week. Respondent shall continue regular  
26 attendance and submit signed and dated documentation confirming attendance with each quarterly  
27 report for the duration of probation. Failure to attend or submit documentation thereof shall be  
28 considered a violation of probation.



1 Where respondent is enrolled in the PRP, participation as required in a recovery group  
2 meeting approved by the PRP shall be sufficient for satisfaction of this requirement. Any  
3 deviation from participation requirements for the PRP-approved group shall be considered a  
4 violation of probation.

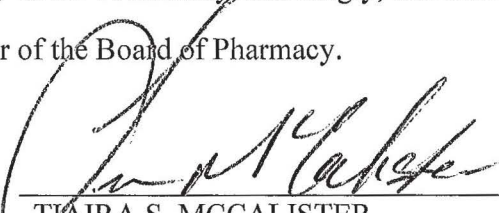
5 **22. No Ownership or Management of Licensed Premises**

6 Respondent shall not own, have any legal or beneficial interest in, nor serve as a manager,  
7 administrator, member, officer, director, trustee, associate, or partner of any business, firm,  
8 partnership, or corporation currently or hereinafter licensed by the Board. Respondent shall sell  
9 or transfer any legal or beneficial interest in any entity licensed by the Board within ninety (90)  
10 days following the effective date of this decision and shall immediately thereafter provide written  
11 proof thereof to the Board. Failure to timely divest any legal or beneficial interest(s) or provide  
12 documentation thereof shall be considered a violation of probation.

13 **ACCEPTANCE**

14 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the  
15 stipulation and the effect it will have on my Pharmacy Technician License. I enter into this  
16 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree  
17 to be bound by the Decision and Order of the Board of Pharmacy.

18  
19 DATED: 12/30/24

  
\_\_\_\_\_  
TIAIRA S. MCCALISTER  
Respondent

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

DATED: \_\_\_\_\_

Respectfully submitted,  
ROB BONTA  
Attorney General of California  
DAVID E. BRICE  
Supervising Deputy Attorney General

PATRICIA WEBBER HEIM  
Deputy Attorney General  
*Attorneys for Complainant*

SA2024301750  
38515664.docx

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

DATED: January 3, 2025

Respectfully submitted,

ROB BONTA  
Attorney General of California  
DAVID E. BRICE  
Supervising Deputy Attorney General

*Patricia Webber Heim*

PATRICIA WEBBER HEIM  
Deputy Attorney General  
*Attorneys for Complainant*

SA2024301750  
38515664.docx

**Exhibit A**

**Accusation No. 7451**

1 ROB BONTA  
Attorney General of California  
2 DAVID E. BRICE  
Supervising Deputy Attorney General  
3 PATRICIA WEBBER HEIM  
Deputy Attorney General  
4 State Bar No. 230889  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-7519  
Facsimile: (916) 327-8643  
7 E-mail: Patricia.Heim@doj.ca.gov  
*Attorneys for Complainant*

8  
9 **BEFORE THE**  
10 **BOARD OF PHARMACY**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 7451

14 **TIAIRA S. MCCALISTER**  
15 **1823 E. Buena Vista Ave.**  
**Visalia, CA 93292**

**ACCUSATION**

16 **Pharmacy Technician License No. TCH**  
17 **36429**

Respondent.

18  
19  
20 **PARTIES**

21 1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity  
22 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

23 2. On or about February 9, 2001, the Board of Pharmacy (Board) issued Pharmacy  
24 Technician License Number TCH 36429 to Tiaira S. McCalister (Respondent). The Pharmacy  
25 Technician License expires on October 31, 2024, unless renewed.

26 ///

27 ///

28 ///

**JURISDICTION**

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Business and Professions Code section 4300 states, in pertinent part:

(a) Every license issued may be suspended or revoked.

(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

(1) Suspending judgment.

(2) Placing him or her upon probation.

(3) Suspending his or her right to practice for a period not exceeding one year.

(4) Revoking his or her license.

(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper. . . .

5. Code section 4300.1 states:

The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

**STATUTORY PROVISIONS**

6. Section 490 of the Code states, in pertinent part,

(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is

1 permitted to take following the establishment of a conviction may be taken when the  
2 time for appeal has elapsed, or the judgment of conviction has been affirmed on  
3 appeal, or when an order granting probation is made suspending the imposition of  
4 sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of  
5 the Penal Code.

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
7. Section 4301 of the Code states, in pertinent part:

The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

....

(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

....

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

....

8. Section 4307 of the Code states:

(a) Any person who has been denied a license or whose license has been revoked or is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a manager, administrative, owner, member, officer, director, associate, partner, or any other person with management or control of any partnership, corporation, trust, firm, or association whose application for a license has been denied or revoked, is under suspension or has been placed on probation, and while acting as the manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control had knowledge of or knowingly participated in any conduct for which the license was denied, revoked, suspended, or placed on probation, shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, partner, or in any other position with management or control of a licensee as follows:

1 (1) Where a probationary license is issued or where an existing license is placed  
2 on probation, this prohibition shall remain in effect for a period not to exceed five  
3 years.

4 (2) Where the license is denied or revoked, the prohibition shall continue until  
5 the license is issued or reinstated.

6 (b) Manage, administrator, owner, member, officer, director, associate, partner,  
7 or any other person with management or control of a license as used in this section  
8 and Section 4308, may refer to a pharmacist or any other person who serves in such  
9 capacity in or for a licensee.

10 (c) The provisions of subdivision (a) may be alleged in any pleading filed  
11 pursuant to Chapter 5 (commencing with Section 11500) of Part I of Division 3 of the  
12 Government Code. However, no order may be issued in that case except as to a  
13 person who is named in the caption, as to whom the pleading alleges the applicability  
14 of this section, and where the person has been given notice of the proceeding as  
15 required by Chapter 5 (commencing with Section 11500) of Part I of Division 3 of the  
16 Government Code. The authority to proceed as provided by this subdivision shall be  
17 in addition to the board's authority under Section 4339 or any other provision of law.

### 18 **COST RECOVERY**

19 9. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
20 administrative law judge to direct a licentiate found to have committed a violation or violations of  
21 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
22 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
23 renewed or reinstated. If a case settles, recovery of investigation and enforcements costs may be  
24 included in a stipulated settlement.

### 25 **FIRST CAUSE FOR DISCIPLINE**

#### 26 **(Conviction of a Crime)**

27 10. Respondent is subject to disciplinary action under Code sections 490 and 4301,  
28 subdivision (l), on the grounds of unprofessional conduct, in that on or about October 24, 2022, in  
the criminal proceeding entitled *People v. Tiaira McCalister* (Tulare County Superior Court, Case  
No. VCM417305), Respondent was convicted by the court on her nolo contendere plea to  
violating Penal Code section 273.5, subdivision (a) (inflict corporal injury on spouse/cohabitant),  
which was reduced pursuant to Penal Code section 17, subdivision (b) to a misdemeanor. As a  
result of her conviction, Respondent received a suspended sentence of forty-five days in jail and  
was placed on three years of summary probation. Respondent was also ordered to complete five  
hours of community service, attend a 52-week batterer's program, and pay all fines and fees.



1 **OTHER MATTERS**

2 14. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Technician  
3 License Number TCH 36429 to Tiaira S. McCalister, Tiaira S. McCalister shall be prohibited  
4 from serving as a manager, administrator, owner, member, officer, director, associate, or partner  
5 of a licensee for five years if Pharmacy Technician License Number TCH 36429 is placed on  
6 probation or until Pharmacy Technician License Number TCH 36429 is reinstated if it is revoked.

7 **PRAYER**

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
9 and that following the hearing, the Board of Pharmacy issue a decision:

10 1. Revoking or suspending Pharmacy Technician License Number TCH 36429, issued  
11 to Tiaira S. McCalister;

12 2. Ordering Tiaira S. McCalister to pay the Board of Pharmacy the reasonable costs of  
13 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
14 125.3; and, if placed on probation, the costs of probation monitoring;

15 3. Ordering that Respondent Tiaira S. McCalister is prohibited from serving as a  
16 manager, administrator, owner, member, officer, director, associate, or partner of a licensee  
17 pursuant to Code section 4307; and,

18 4. Taking such other and further action as deemed necessary and proper.

19  
20  
21 DATED: 8/20/2024

**Sodergren,** Digitally signed by  
**Anne@DCA** Sodergren, Anne@DCA  
Date: 2024.08.20  
13:56:37 -07'00'

\_\_\_\_\_  
ANNE SODERGREN  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

22  
23  
24  
25  
26  
27 SA2024301750  
38171298.docx